

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION IN LAFAYETTE

ENRIQUE GONZALES LEIVA, <i>et al.</i> ,)	
)	
Plaintiffs)	
)	
vs.)	CAUSE NO. 4:19-CV-87 RLM-JPK
)	
KEITH CLUTE, SHAWN NOWER, and)	
WINDY PRAIRIE FARM, LLC,)	
)	
Defendants)	

ORDER

No objections have been filed to the magistrate judge's detailed findings and recommendations on plaintiffs motion for default judgment [Doc. No. 52]. Accordingly, the court ADOPTS those findings and recommendations, GRANTS the Motion for Entry of Default Judgment [Doc. No. 44], AWARDS damages totaling \$460,972.00 to the Plaintiffs, and DIRECTS the Clerk to enter judgment as follows:

1. \$84,337.62 in economic damages, owed jointly and severally by all Defendants, is awarded to the individual Plaintiffs as follows:

- a. Jose Albino Leyva: \$9,715.27
- b. Rogelio Corona Trejo: \$9,756.27
- c. Gabriel Garcia Arroyo: \$9,447.95
- d. Valentin Garcia Arroyo: \$9,447.95
- e. Simon Gonzalez Hernandez: \$9,715.27

- f. Enrique Gonzalez Leiva: \$9,715.27
- g. Raul Gonzalez Leyva: \$9,715.27
- h. Luis Lopez Carrasco: \$9,463.95
- i. Kimberly Delgado: \$7,360.42.

2. \$52,196.76 in liquidated damages under the Fair Labor Standards Act, owed jointly and severally by all Defendants, is awarded to the individual Plaintiffs as follows:

- a. Jose Albino Leyva: \$6,143.97
- b. Rogelio Corona Trejo: \$6,143.97
- c. Gabriel Garcia Arroyo: \$5,708.97
- d. Valentin Garcia Arroyo: \$5,708.97
- e. Simon Gonzalez Hernandez: \$6,143.97
- f. Enrique Gonzalez Leiva: \$6,143.97
- g. Raul Gonzalez Leyva: \$6,143.97
- h. Luis Lopez Carrasco: \$5,708.97
- i. Kimberly Delgado: \$4,350.00.

3. \$118,800.00 in emotional distress damages, owed jointly and severally by all Defendants, is awarded to the individual Plaintiffs as follows:

- a. Jose Albino Leyva: \$13,400.00
- b. Rogelio Corona Trejo: \$13,400.00
- c. Gabriel Garcia Arroyo: \$12,800.00

- d. Valentin Garcia Arroyo: \$12,800.00
- e. Simon Gonzalez Hernandez: \$13,400.00
- f. Enrique Gonzalez Leiva: \$13,400.00
- g. Raul Gonzalez Leyva: \$13,400.00
- h. Luis Lopez Carrasco: \$12,800.00
- i. Kimberly Delgado: \$13,400.00.

4. \$2,500.00 in statutory damages under the Agricultural Worker Protection Act (AWPA), is awarded to Kimberly Delgado as follows:

- a. Defendants Windy Prairie Farm and Keith Clute, jointly and severally, owe: \$500.00;
- b. Defendant Keith Clute, individually, owes: \$500.00; and
- c. Defendants Windy Prairie Farm, Keith Clute, and Shawn Nower, jointly and severally, owe: \$1,500.00.

5. \$203,137.62 in punitive damages, owed jointly and severally by all Defendants, is awarded to individual Plaintiffs as follows:

- a. Jose Albino Leyva: \$23,115.27
- b. Rogelio Corona Trejo: \$23,156.27
- c. Gabriel Garcia Arroyo: \$22,247.95
- d. Valentin Garcia Arroyo: \$22,247.95
- e. Simon Gonzalez Hernandez: \$23,115.27
- f. Enrique Gonzalez Leiva: \$23,115.27

- g. Raul Gonzalez Leyva: \$23,115.27
- h. Luis Lopez Carrasco: \$22,263.95
- i. Kimberly Delgado: \$20,760.42.

Consistent with the report and recommendation, plaintiffs' counsel shall have 21 days from the date of this order to file their motion for attorneys fees and supporting documentation.

SO ORDERED.

ENTERED: January 29, 2021

/s/ Robert L. Miller, Jr.
Judge, United States District Court